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THE HON. SRI M. BHAKTAVATSALAM:—" (*a*) The National Extension Service has been launched in twenty blocks during the current financial year including the ten blocks covered by the Tanjore National Extension Service Scheme.

" (*b*) The proposal is under consideration."

MR. SPEAKER :—" Questions over. The next item of the Agenda is Government Motions. The Hon. Minister for Land Revenue will move the motion in his name."

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—GOVERNMENT MOTIONS.

(1) AMENDMENTS TO THE MADRAS GENERAL SALES TAX (TURNOVER AND ASSESSMENT) RULES, 1939.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I beg to move that the following draft amendments to the Madras General Sales Tax (Turnover and Assessment) Rules, 1939 (published with Revenue Department Notification No. 818, dated the 12th September 1939, at pages 1–5 of the Extraordinary issue of the *Fort St. George Gazette*, dated the 15th September 1939, as subsequently amended), which it is proposed to make in exercise of the powers conferred by section 3, sub-sections (4) and (5), of the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), be approved :—

DRAFT AMENDMENTS.

' *In the said rules*—

(1) *in rule* 4 (2)—*items* (*b*), (*c*) *and* (*d*) *shall be relettered as items* (*c*), (*d*) *and* (*e*) *respectively and before item* (*c*) *as so relettered, the following item shall be inserted, namely* :—

" (*b*) *Cardamom* "

(2) *in rule* 5-*A*, *in sub-rule* (1), *second proviso, before the brackets and words* " (*hereinafter referred to as a non-resident dealer*) " *the following shall be inserted, namely* :—

" *and carrying on business within the State otherwise than through an agent or agents residing within the State* ";

(3) *in rule* 11 (1), *after the first paragraph the following shall be inserted as the second paragraph, namely* :—

" *Every dealer not liable to submit a return under rule* 6, *who has a net turnover of not less than Rs.* 10,000 *in any year, shall unless he has elected to be assessed by the method described in rule* 13 *submit to the assessing authority of the area in which his principal place of business is situated a return in Form A showing the actual gross and net turnover for that year and the amount by way of tax or taxes actually collected during*

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the year on or before the 1st day of May of the succeeding year and thereafter for every year on or before the 1st day of May immediately following such year".

(4) *in rule 13-A—*

(a) *in sub-rule* (1), *for the expression* "*Rules* 6 *to* 13", *the expression* "*Rules* 5 (2) *and* 6 *to* 13" *shall be substituted;*

(b) *for sub-rule* (2), *the following sub-rule shall be substituted namely* :—

" (2) *For the purpose of these rules, the aggregate turnover of all the sales within the State by the non-resident dealer shall be the turnover of his business. If he has more than one place of business outside the State, the aggregate turnover of all the sales within the State by all such places of business shall be taken as the turnover of his business and all returns prescribed by these rules shall be submitted by his head office and shall include the turnover of all the sales within the State by all such places of business.*"

(5) *after rule 13-B, the following rule shall be inserted, namely* :—

" 13-C. *In the case of a dealer residing outside the State and carrying on business within the State, not only through an agent or agents residing within the State but also otherwise, the provisions of rule* 13-A *of these rules shall apply in respect of the business carried on otherwise than through the agent or agents* :

Provided that for the purpose of deciding whether he is liable to pay tax under the Act in respect of the business carried on otherwise than through the agent or agents, the turnover of the business carried on by him through the agent or agents shall also be taken into account."

(6) *in Form A—*

(1) *for the words and figures* "*the year ending the* 31*st March* 19 " *wherever they occur the following shall be substituted, namely* :—

" *the year ending the* 31*st March* 19 .
the period up to and inclusive of the date of discontinuance of business";

(2) *after Note* (1), *the following Note shall be inserted as Note* (1) (*a*), *namely* :—

" (1) (*a*) *If the business has been discontinued in the course of a year, give the turnover up to and inclusive of the date of the discontinuance of business.*"

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(7) *in Form A-3A*,

(*a*) *in the entry relating to column 2, the brackets and the words* " *(boh inside and outside the State)* " *shall be added at the end;*

(*b*) *in the entry relating to column 5, the words* " *including the turnover of the agent or agents in the State* " *shall be added at the end;*

(*c*) *the entries relating to columns 6-a and 6-b shall be omitted, and in their place the following entries shall be inserted, namely :—*

" *Column 5-a.—Turnover and description of each class of goods sold through the agent or agents in the State for which tax is leviable under clause* (ii) *of section 14-A of the Act (particulars for each agent to be given).*

" *Column 5-b.—Amount of gross turnover of the non-resident by direct sales.*

" *Column 6.—Turnover and description of each class of goods exempt from tax* ".

(*d*) *in Note* (2), *for the expression* " *column 6-a* " *the expression* " *column 6* " *shall be substituted.*

(8) *in Form A* (10), *for the word* " *Amount* " *occurring under* " *Particulars of Bill/Cash memo.*" *the following words shall be substituted, namely :—*

" *Amount charged under each item separately as per bill or cash memo.*"

(9) *for Form C, the following form shall be substituted, namely :—*

" *Form C.*

Notice of final assessment and refund order.

[See *rules* 12 *and* 13 (6).]

To

(*Dealer*)

Take notice that you have been finally assessed under the Madras General Sales Tax Act, 1939, *to a tax of Rs. [rupees (in words)] only for the year ending the* 31*st March* 19 . *The total amount of tax paid by you already is Rs. [rupees (in words)] only, that is Rs. in excess of the tax due.*

2. *The sum of Rs. paid by you in excess as stated above will be refunded to you if you apply in person or through an authorized agent within* 21 *days from the date of receipt of this notice. If you do not do so, the amount will be credited towards the tax payable by you for the year . .*

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or

You are requested to call at this office at an early date and take delivery of refund voucher for the sum specified above.

Turnover as determined by the assessing authority in respect of—

Nature of goods.	*Rate of tax.*	*Turnover.*
(1)	(2)	(3)
	Total Rs. ..	

Place
Date

Assembly Authority."

'*Amendments 2, 4, 5, 7 and 8 shall be deemed to have come into force on the 1st April 1953.*'

" The draft amendments have already been circulated, but I will explain briefly what the object of these amendments are.

" Sir, amendments 2, 4, 5, 7 and 8 have been necessitated by the decision of the Supreme Court on the 1st April 1953. They relate to inter-State transactions and because we are not now able to tax the goods that are delivered and consumed in the State where the delivery takes place, certain amendments are called for and I have brought them. Two or three amendments relate only to change in the form and not in substance.

" As regards amendment (1), it relates to adding a commodity, namely, cardamom in the category of commodities which are charged on the purchase and not sale. Already we are in this manner taxing groundnut, cashewnut, untanned hides, skins, etc. We are now adding cardamom, because cardamom is also an exportable commodity. As such, we can get tax where it is purchased. Otherwise, it will be treated as being sold in the course of export and we shall not be able to tax it. That is why this item (cardamom) is included with other items as groundnut, cashew, etc.

" Amendment (3) refers to submission of Form 'A' returns. 12-10 p.m. At present the submission of this return is not obligatory on the dealers. Under the revised rule, they are also required to submit this return. Amendment (6) only amends the form. Amendment (9) relates to Form 'C'. In these circumstances, I hope the House will pass the amendments."

MR. SPEAKER :—" The motion is before the House for discussion."

SRI M. NARAYANA KURUP :—" Sir, in order to understand the import and the implications of the amendments, it is necessary for us to know what the original rule is. Generally, in respect of

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Amending Bills, we are supplied with copies of the original section and the amendment proposed to it. Now, the Hon. Minister is able to say everything because he has got with him the original rule as well as the rule as proposed to be amended. Therefore, if it is to serve any purpose, along with a copy of the amendment a copy of the original rule proposed to be amended may also be supplied to us. Otherwise, within a short time it is not possible for us to hunt after and find out a notification that was issued probably years ago. Therefore, I request that at least in the future such a procedure may be followed.''

SRI S. DEIVASIGAMANY :—'' Sir, in support of what the hon. Member Sri Narayana Kurup has said, I would like to state my own experience in the matter. Whenever an Amending Bill or an amendment to a rule is published, we find ourselves in a quandary. We do not know what the original section is. We also do not know for what purpose the amendment is proposed. Therefore, the Government would do well to circulate to us in future a copy of the original section or rule along with a copy of the amendment proposed.''

SRI K. VINAYAKAM :—'' Mr. Speaker, Sir, on a former occasion when a difficulty of this nature arose, I had the opportunity of consulting the Speaker why a copy of the original section or Act was not supplied to the Members for their information. But the Speaker was pleased to say that there were copies available in the Legislature Library. May I point out to the Chair that not more than two copies are available in the Legislature Library while there are about 230 Members in the Legislative Assembly? It is almost humanly impossible for all the Members to refer to those two copies only and get the necessary information before the debate takes place on the floor of the House.''

MR. SPEAKER :—'' I wish to know whether the Hon. Minister wants to say anything on this matter.''

THE HON. SRI M. A. MANICKAVELU NAICKER :—'' I shall try to provide as much facility as possible to the hon. Members to understand the situation much better than they are able to do at present.''

The motion was then put and carried.

(2) AMENDMENT TO RULE 11 OF THE RULES ISSUED UNDER THE COTTON TRANSPORT ACT, 1923.

* THE HON. SRI M. BHAKTAVATSALAM :—'' Mr. Speaker, I move—

> '*That this Assembly recommends to the State Government that the following notification submitted to it for approval under section 8 of the Cotton Transport Act, 1923 (Central Act III of 1923), be issued in the form submitted:*